

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PAULA WALLRICH, DANIELLE JONES, GRANT
GRINNELL, JEFFREY BURTON, RHONDA
MCCALLUM, PROVIDENCIA VILLEGAS, AND
49,980 OTHER INDIVIDUALS,

Petitioners,

v.

SAMSUNG ELECTRONICS AMERICA, INC.; and
SAMSUNG ELECTRONICS CO., LTD. (d/b/a
Samsung Electronics America, Inc.),

Respondent.

Civil Action No. 1:22-cv-05506

Hon. Harry D. Leinenweber

**PETITIONERS' UNOPPOSED MOTION FOR EXTENSION OF TIME
AND LEAVE TO FILE BRIEFS IN EXCESS OF FIFTEEN PAGES**

Petitioners¹, by and through their undersigned counsel, respectfully move pursuant to Rule 7.1 of the Local Rules of the Northern District of Illinois, to (1) file their brief in opposition to Samsung Electronics America, Inc.'s and Samsung Electronics Co., Ltd.'s (collectively "Samsung") Motion to Dismiss the Verified Petition to Compel Arbitration ("Opposition to Motion to Dismiss") in excess of fifteen (15) pages, (2) file their reply brief in support of Petitioners' Verified Petition to Compel Arbitration ("Reply") (collectively "Responses") in excess of fifteen (15) pages, and (3) to extend the deadline for Petitioners to file their Responses to January 19, 2023. In support thereof, Petitioners aver the following:

¹ Petitioners are 49,986 Samsung Galaxy device users who are attempting to arbitrate individual claims against Samsung for generating, collecting, and storing their biometric data in violation of Illinois' Biometric Information Privacy Act ("BIPA").

1. Rule 7.1 of the local rules provides that briefs shall not be more than fifteen (15) pages in length without prior approval of the court.

2. Petitioners filed their Verified Petition to Compel Arbitration (“Verified Petition to Compel”) and Motion to Compel Arbitration (“Motion to Compel”) on October 7, 2022.

3. The Court set a hearing for October 19, 2022.

4. During the October 19th hearing, the Court granted Samsung’s request to extend the deadline to oppose the Petitioners’ Motion to Compel (“Opposition to Motion to Compel”) to December 5, 2022.

5. On November 29, 2022, Samsung filed a Motion for Leave to file their (1) Opposition to the Motion to Compel in excess of fifteen (15) pages requesting permission to file a thirty-five (35) Opposition to the Petition to Compel, exclusive of the Table of Contents and Exhibits, and (2) brief in support of Samsung’s Motion to Dismiss the Verified Petition to Compel in excess of fifteen (15) pages requesting permission to file a twenty (20) page brief exclusive of the Table of Contents and Exhibits.

6. The Court granted Samsung’s Motion for Leave on November 30, 2022.

7. Samsung filed a 35-page Opposition to the Motion to Compel Arbitration on December 5, 2022.

8. Petitioners Reply is due on December 19, 2022.

9. Oral argument is schedule for January 31, 2023.

10. On December 5, 2022, Samsung also filed a 20-page Motion to Dismiss the Verified Petition to Compel.

11. Given the length and breadth of the facts, issues, and substantive and procedural arguments raised in Samsung’s Opposition to the Petition to Compel Arbitration, Petitioners seek

leave of Court to file their Reply in excess of fifteen (15) pages and request the Court's permission to file a twenty-five (25) page Reply, exclusive of the Table of Contents and Exhibits. Petitioners respectfully submit that a 25-page Reply brief is necessary and appropriate to fully explain the issues raised by Samsung's Opposition and is further justified to address Samsung's twenty page "factual statement" within its opposition that is replete with factual inaccuracies and baseless attacks on Petitioners and their counsel.

12. Likewise, Samsung's twenty (20) page brief in support of its Motion to Dismiss addresses a variety of substantive and procedural arguments that require a substantive response by the Petitioners. To fully brief these issues, Petitioners seek leave to file a brief in opposition to the Motion to Dismiss in excess of fifteen (15) pages, but not longer than thirty-five (35) pages, exclusive of the Table of Contents and Exhibits.

13. Petitioners' counsel sought Samsung's concurrence to this extension on December 8, 2022. Samsung indicated that it does not oppose (1) an extension of up to 25 pages total for Petitioners' Reply, (2) extension of up to 35 pages total for Petitioners' Opposition to the Motion to Compel, or (3) extension for Petitioners to file their Responsive Briefs by January 19, 2023.

14. Samsung requested and Petitioners consented to Samsung's request for (1) an extension of up to 25 pages total for Samsung's brief in further support of its Motion to Dismiss ("Samsung's Reply"), or (2) an extension to file Samsung's Reply by February 9, 2023.

15. Petitioners respectfully request that this Honorable Court extend their deadline for their Reply Brief and Opposition to the Motion to Dismiss to January 19, 2023.

16. Petitioners further request that the Court set a hearing date for both motions to be heard on the same date.

Wherefore, Petitioners respectfully request leave for the following:

- To file their Reply Brief to the Motion to Compel in excess of 15 pages;
- To file their Opposition to Samsung's Motion to Dismiss the Verified Petition in excess of 15 pages;
- To file both the Reply Brief and Opposition Brief on January 19, 2023;
- For Samsung to file their Reply Brief in excess of 15-pages;
- For Samsung's Reply Brief to be due on February 9, 2023; and
- To set a hearing date for both motions to be heard on the same date.

Dated: December 12, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 12th day of December, 2022, I caused the foregoing Petitioner's Unopposed Motion For Extension of Time and Leave to File Briefs in Excess of Fifteen Pages to be filed with the Clerk of the District Court via the CM/ECF system, which will send notification of such filing to all counsel of record at the email addresses on file with the Court.

Dated: December 12, 2022

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